

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4374

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KIRKLAND LEANDER SMALLS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:02-cr-00043-BO-1)

Submitted: November 20, 2008

Decided: December 2, 2008

Before MOTZ, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, Stephen C. Gordon, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. George E. B. Holding, United States Attorney, Anne M. Hayes, Banumathi Rangarajan, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kirkland Leander Smalls appeals the district court's judgment revoking his supervised release and sentencing him to twenty months of imprisonment. On appeal, counsel asserts that the sentence is unreasonable. Finding no reversible error, we affirm.

Smalls' counsel asserts that the twenty-month sentence is plainly unreasonable because, in light of the factors in 18 U.S.C. § 3553(a) (2006), the sentence is greater than necessary to accomplish the objectives set forth in that statute. Our review of the record leads us to conclude that the district court sufficiently considered the statutory factors in imposing a sentence within the statutory maximum set forth in 18 U.S.C. § 3583(e)(3) (2006), and the advisory sentencing guideline range of eighteen to twenty-four months. We therefore find that the sentence imposed upon revocation of supervised release is not plainly unreasonable. See United States v. Crudup, 461 F.3d 433, 439-40 (4th Cir. 2006) (providing standard).

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED